

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JAMES ALIRIO HERNANDEZ-SAMAYOA, and DANIEL ESPINOZA GARCIA,

Defendants.

4:18CR3125

ORDER

Defendant Hernandez-Samayoa has moved to continue the pretrial motion deadline, (Filing No. 33), because Defendant needs additional time to investigate this case and prepare for trial. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Hernandez-Samayoa's motion to continue, (Filing No. 33), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before December 28, 2018.
- 3) **As to both defendants**, trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on January 28, 2019, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date

and December 28, 2018, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because this case remains “unusual and complex,” and continues to be exempted from the time restrictions of the Speedy Trial Act, 18 U.S.C. § 3161 (h)(6) & (h)(7)(B)(ii). Failing to timely object to this order as provided under this court’s local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

October 22, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge